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EXAMINER

BROWN, TIMOTHY M

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 07/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,979

Applicant(s)

GANESAN ET AL.

Examiner

Tim Brown

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-- The MAILING DATE of this communication appears on the certificate with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 58-80 have been examined.

Specification

2. The substitute specification filed on July 13, 2001 has not been entered because it does not conform to 37 CFR 1.125(b) because:

- a. a substitute specification must exclude claims;
- b. a substitute specification must include a statement that there is no new matter; and
- c. a substitute specification must include a marked up copy of the substitute specification showing the matter being added and/or deleted.

3. If applicant desires priority under 35 U.S.C. 120 based upon a previously filed copending application, specific reference to the earlier filed application must be made in the instant application. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "now Patent No. _____" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "now abandoned" should follow the filing date of the parent application.

If the application is a utility or plant application filed on or after November 29, 2000, any claim for priority must be made during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen

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months from the filing date of the prior application. See 37 CFR 1.78(a)(2) and (a)(5).

This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) a surcharge under 37 CFR 1.17(t), and (2) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional. The petition should be directed to the Office of Petitions, Box DAC, Assistant Commissioner for Patents, Washington, DC 20231.

Oath/Declaration

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02. The declaration is defective for two reasons. First, it indicates the wrong title. Second, the declaration recites that the specification "is attached hereto" while the declaration was in fact submitted two months later.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 58, 60-62, 64, 66-69, 71-73, 75 and 77-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)).**

Regarding claim 58, Van Dusen teaches a method for making a monetary gift, comprising:

receiving via a network, a request to make a monetary gift in an amount on behalf of a donor, to a recipient (col. 3, lines 38-63);

processing a notification of the monetary gift (col. 2, lines 55-67); and

crediting funds equal to the monetary gift amount to a deposit account associated with the recipient (col. 2, lines 55-67; and col. 3, lines 6-14).

Further regarding claim 58, Van Dusen does not specifically teach the steps of receiving via a network, an input associated with an electronic greeting card, processing the donor's request and input to generate the electronic greeting card and transmitting, via the network, the electronic greeting card to the recipient. However, Lenhart teaches a Website operative to transmit an electronic greeting card wherein a sender fills out a personalized message (page 1, paragraphs 2 and 3; and page 3, paragraph 4). At the

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time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of Lenhart because including the steps of receiving via a network, an input associated with an electronic greeting card, processing the donor's request and input to generate the electronic greeting card and transmitting, via the network, the electronic greeting card to the recipient would enable the donor to provide the recipient with a personalized greeting card along with the monetary gift.

Regarding claim 60, Van Dusen further teaches a method for making a monetary gift wherein the notification includes a hyper-link (col. 2, lines 55-67; and col. 3, lines 6-14); and the funds are credited to the deposit account associated with the recipient subsequent to an activation of the hyperlink (Id.).

Regarding claim 61, Van Dusen further teaches activating the hyperlink (col. 2, lines 55-67; and col. 3, lines 6-14); and receiving, via the activated hyperlink, information identifying the recipient (Id.); wherein the funds are credited to the deposit account associated with the recipient subsequent to receipt of the information identifying the recipient (Id.).

Regarding claim 62, Van Dusen further teaches processing the received information identifying the recipient to determine if the recipient is a member of an enclosed community prior to the crediting of the funds to the deposit account associated with the recipient (col. 3, lines 64-67; col. 4, lines 64-67; and col. 5, lines 1-10); and

if it is determined that the recipient is not a member of the enclosed community, transmitting a notice, via the network, to the recipient, that the recipient must become a

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member of the enclosed community before the funds will be credited to the deposit account associated with the recipient (col. 4, lines 64-67; and col. 5, lines 1-10).

Regarding claim 64, Van Dusen further teaches debiting an account associated with the donor (col. 3, lines 55-63); wherein the account associated with the donor is debited at one of (1) a time prior to transmitting the electronic greeting card to the recipient, and (2) a time subsequent to an activation of a hyper-link included in the transmitted electronic greeting card (Id.).

Regarding claim 66, Van Dusen further teaches a method for making a monetary gift, wherein both the request and the input are received from one of (1) the donor, and (2) an electronic greeting card service (col. 3, lines 38-63).

Regarding claim 67, Van Dusen teaches all the limitations discussed under claim 58 above. Van Dusen further teaches a method of making a monetary gift wherein the request is received from the donor (col. 3, lines 38-63). Van Dusen does not specifically teach a method of making a monetary gift wherein the input is received from an electronic greeting card service. However, Lenhart teaches a Website operative to transmit an electronic greeting card wherein a plurality of electronic greeting card options are presented to a user (page 1, paragraphs 2 and 3; and page 3, paragraph 4). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of Lenhart because including a step wherein the input is received from an electronic greeting card service would enable the Van Dusen method to incorporate greeting cards from a plurality of Websites thereby providing the user with a variety of greeting card options.

Regarding claim 68, Van Dusen does not specifically teach transmitting, via the network, the electronic greeting card to an electronic greeting card service prior to transmitting the electronic greeting card to the recipient. However, Lenhart teaches a Website operative to transmit an electronic greeting card to a recipient wherein a user submits greeting card input, including a greeting card selection and a personalized message, to a Website server and wherein the Website server subsequently transmits the electronic greeting card to the user (page 1, paragraphs 2 and 3; and page 2, paragraph 4). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of Lenhart because transmitting, via the network, the electronic greeting card to an electronic greeting card service prior to transmitting the electronic greeting card to the recipient would enable the Van Dusen method to merge the request to make a monetary gift with a personalized electronic greeting card.

Claim 69 is rejected as discussed under claim 58 above as claim 69 pertains to a system for accomplishing the method of claim 58.

Claim 71 is rejected as discussed under claim 60 above as claim 71 pertains to a system for accomplishing the method of claim 60.

Claim 72 is rejected as discussed under claim 61 above as claim 72 pertains to a system for accomplishing the method of claim 61.

Claim 73 is rejected as discussed under claim 62 above as claim 73 pertains to a system for accomplishing the method of claim 62.

Claim 75 is rejected as discussed under claim 64 above as claim 75 pertains to a system for accomplishing the method of claim 64.

Claim 77 is rejected as discussed under claim 66 above as claim 77 pertains to a system for accomplishing the method of claim 66.

Claim 78 is rejected as discussed under claim 67 above as claim 78 pertains to a system for accomplishing the method of claim 67.

Claim 79 is rejected as discussed under claim 69 above as claim 79 pertains to a system for accomplishing the method of claim 69.

Claim 80 is rejected as discussed under claim 58 above as claim 80 pertains to an article of manufacture for accomplishing the method of claim 58.

7. Claims 59 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "'Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)) and further in view of Walker (US 6,138,106).

Regarding claim 59, Van Dusen teaches all the limitations discussed under claim 58 above. Van Dusen does not specifically teach a method for making a monetary gift wherein the electronic greeting card is transmitted to the recipient at one of (1) a time subsequent to the crediting of the funds to the deposit account associated with the recipient, and (2) a time concurrent with the crediting of the funds to the deposit account associated with the recipient. However, Walker teaches a system for redeeming electronic gift certificates wherein a gift certificate is paid for either before or after it is

redeemed by the recipient (col. 7, lines 30-67; and col. 8, lines 1-7). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of Walker because adding a step wherein the electronic greeting card is transmitted to the recipient at one of (1) a time subsequent to the crediting of the funds to the deposit account associated with the recipient, and (2) a time concurrent with the crediting of the funds to the deposit account associated with the recipient would ensure that there were sufficient funds to pay for the monetary gift.

Claim 70 is rejected as discussed under claim 59 above as claim 70 pertains to a system for accomplishing the method of claim 59.

8. Claims 63 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)) and further in view of an article published in Business Wire ("WishClick Kicks Off Marketing Campaign by Tempting Consumers With Tell-a-Friend Promotion; Register with WishClick and receive up to \$50 in SuperCertificates from GiftCertificates.com," Business Wire (November 2, 1999)) (hereinafter "WishClick").

Regarding claim 63, Van Dusen teaches all the limitations discussed under claim 58 above. Van Dusen does not specifically teach a method for making a monetary gift wherein the recipient is a first recipient and the notification includes a hyper-link, further comprising: further transmitting, via the network, the transmitted electronic greeting card

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to a second recipient; activating the hyper-link in the further transmitted electronic greeting card; receiving, via the activated hyper-link, information identifying a second recipient; processing the information identifying the second recipient to determine if the second recipient is a member of an enclosed community; if it is determined that the second recipient is not a member of the enclosed community, transmitting a notice, via the network, to the second recipient, that the second recipient must become a member of the enclosed community before funds are to be credited to a deposit account associated with the second recipient; and if it is determined that the second recipient is a member of the enclosed community, crediting funds equal to the monetary gift amount to a deposit account associated with the second recipient. However, WishClick teaches a Website operative to provide a personal gift registry wherein members of the Website are provided with a gift certificate for referring and successfully registering five new members (page 1, paragraphs 1-3). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of WishClick. By including the steps wherein the recipient is a first recipient and the notification includes a hyper-link, further comprising: further transmitting, via the network, the transmitted electronic greeting card to a second recipient; activating the hyper-link in the further transmitted electronic greeting card; receiving, via the activated hyper-link, information identifying a second recipient; processing the information identifying the second recipient to determine if the second recipient is a member of an enclosed community; if it is determined that the second recipient is not a member of the enclosed community, transmitting a notice, via the network, to the second recipient, that

the second recipient must become a member of the enclosed community before funds are to be credited to a deposit account associated with the second recipient; and if it is determined that the second recipient is a member of the enclosed community, crediting funds equal to the monetary gift amount to a deposit account associated with the second recipient, the Van Dusen method would be further operative to enable the first recipient to forward (re-gift) the monetary gift to a second recipient in the event that the first recipient is not interested in receiving the monetary gift or does not have a membership in the enclosed community.

Claim 74 is rejected as discussed under claim 63 above as claim 74 pertains to a system for accomplishing the method of claim 63.

9. Claims 65 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)) and further in view Solokl et al. (US 6,173,269).

Regarding claim 65, Van Dusen teaches all the limitations discussed under claim 58 above. Van Dusen does not specifically teach processing the request to determine if the recipient is a member of an enclosed community prior to processing the request and the input to generate the electronic greeting card including a notification of the monetary gift; wherein, if it is determined that the recipient is not a member of the enclosed community, the notification includes a notification that the recipient must become a member of the enclosed community before funds will be credited to the deposit account

associated with the recipient. However, Solokl et al. teach a virtual automatic teller machine wherein a vendor may withdraw funds from an account associated with a user and wherein a donor may make a monetary gift to the user account (col. 8, lines 34-54). Solokl et al. further teach determining whether a user account is associated with an intended recipient of a monetary gift and if no user account is detected, permitting the user to establish a gift account for the intended recipient (Id.). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of Solokl et al. because including the step of processing the request to determine if the recipient is a member of an enclosed community prior to processing the request and the input to generate the electronic greeting card including a notification of the monetary gift; wherein, if it is determined that the recipient is not a member of the enclosed community, the notification includes a notification that the recipient must become a member of the enclosed community before funds will be credited to the deposit account associated with the recipient. Modifying Van Dusen in this manner would encourage the recipient to establish an account such that the donor's monetary gift would have a destination.

Claim 76 is rejected as discussed under claim 65 above as claim 76 pertains to a system for accomplishing the method of claim 65.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Catona (US 6,288,319) 11 September 2001; a method for creating an electronic greeting card with a custom audio mix over a computer network
- b. Sachs (US 6,240,397) 29 May 2001; a method for transferring, receiving and utilizing an electronic gift certificate
- c. Tackbary et al. (US 5,555,496) 10 September 1996; a system for communicating with a card distribution center for selecting, ordering and sending social expression cards using a PC
- d. Spector (US 5,870,718) 9 February 1999; a computer-printer Internet terminal adapted to produce a composite greeting card and gift certificate redeemable by the recipient at a named retail establishment linked to the Internet
- e. "Sparks.com, Web's Largest Greeting Card Store, has Perfect Greeting for the Holidays; With Huge Selection, Online Retailer Carries More Cards Than Ten Drugstores," Business Wire (December 10, 1998)
- f. "Card wars result in some bitter messages," Financial Times (December 28, 1998)
- g. "Iconomy Lands Agreement with Lucidity; Provides Lucidity with Gifts for Outline Shoppers," Business Wire (December 22, 1999)
- h. Greenberg, I. "A fistful of Flooz," U.S. News & World Report, Vol. 126, on. 17 (May 3, 1999)
- i. GiveAnything.com, November 27, 1999 [retrieved May 29, 2002]
<URL:www.giveanything.com>

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j. Giftpro.com, December 3, 1998 [retrieved May 29, 2002] <URL:

www.giftpro.com>


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (703) 305-1912. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Tim Brown
Examiner
Art Unit 3625

tmb
May 28, 2002


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